

Application No. 10/711,288
Amendment Dated: February 6, 2006
Reply to Office Action of: August 5, 2005

Atty Dkt No.: 28747.00004
Customer No.: 35161

REMARKS/ARGUMENTS

This Amendment is in response to the Non-Final Office Action mailed on 8/05/2005, for the present application, which has been reviewed. The present amended claims 1, 16, and 28 considered together with the following remarks, the arguments below and request for reconsideration are believed sufficient to place the application into condition for allowance. Amended claim 1 is now further limited to methods for an interactive computer based training and testing. Claim 16 is now further limited to a defined interactive computer based training and testing system. No new matter has been added to the application. Applicants express appreciation for the thoughtful examination by the Examiner. Support for the amendments can be found in the specification in paragraphs 15 and 29.

The present invention is drawn to methods for an interactive computer based training system and testing of building safety information, and an interactive computer based training and testing system.

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Rejection of Claims 1-15 Under 35 U.S.C. § 101 Should Be Withdrawn

The present Office Action rejects claims 1-15 under 35 U.S.C. § 101 for allegedly being directed merely to an abstract idea that is not tied to a technological art, directed to non-statutory subject matter. In view of the amendments to claim 1 (dependent claims 2-15), Applicant respectfully submit that the claims of the present application are directed to an invention comprising specified steps that is within the technological arts and that produces a useful, concrete and tangible result. The claimed method steps are used to train and test building safety. Applicants respectfully submit that the outstanding rejection to claims 1-15 under 35 USC 101 has been rendered moot. See, State St Bank & Trust Co. v. Signature Fin. Group, 149 F.3d 1368 (Fed. Cir. 1998), where it states that the mere fact a claimed invention involves inputting numbers or steps, would not render it nonstatutory subject matter, unless, of course, its operation does not produce a "useful, concrete and tangible result".

For the reasons set forth above, Applicant submit that claims 1-15, as amended, recite patentable subject matter and that newly amended claims 1-15 are in conformance with the requirements set forth in MPEP § 2106 and withdrawal of this rejection is respectfully requested.

Rejection of Claims 1-11 and 13-28 Under 35 U.S.C. § 102 Should Be Withdrawn

The present Office Action rejects claims 1-11, and 13-28 under 35 U.S.C. section 102(f) as being anticipated by U.S. Patent Application 10/097,783. Applicants respectfully traverse this rejection and request favorable reconsideration and withdrawal of this rejection. Further, Applicants submit this rejection is rendered moot by the foregoing amendments and the following comments.

The standard for a rejection under 35 U.S.C. § 102(b) is established in MPEP § 2131. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. If an independent claim is allowable under 35 U.S.C. § 102, then any claim depending therefrom is also allowable.

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In order to further the prosecution of this application, and without acquiescing to the Examiner's rejection and while reserving the right to prosecute the original claims (or similar claims) in the future, Applicants have amended claims 1 and 16. Amended claim 1 is now further limited to methods for an interactive computer based training and testing. Claim 16 is now further limited to a defined interactive computer based training and testing system.

The present application is drawn an interactive computer based training system and testing of building safety information, and an interactive computer based training and testing system.

U.S. Patent Application 10/097,783 does not teach the interactive computer based methods for training and education, combined with testing as disclosed in this instant specification. In particular, the prior application 10/097,783 is mostly directed to cost-effectiveness and a revenue management system.

For the reasons set forth above, Applicant submit that claims 1-15, as amended, recite patentable subject matter and that newly amended claims 1-15 have been sufficiently differentiated from U.S. Patent Application 10/097,783, thus withdrawal of this rejection is respectfully requested.

Rejection of Claims 1-28 Under 35 U.S.C. § 103 Should Be Withdrawn

The present action rejects claims 1-28 under 35 U.S.C. section 103(a) as being obvious over Kouba et al (U.S. Patent 6,325,631). Applicants respectfully traverse this rejection and request favorable reconsideration and withdrawal of this rejection. Further, Applicants submit this rejection is rendered moot by the foregoing amendments and the following comments.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings for a interactive computer based methods for training and education, combined with testing with the claimed specific properties. Second, there must be some reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of

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success must be both found in the prior art, and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 2142.

The present application is drawn an interactive computer based training system and testing of building safety information, wherein all training and testing, and an interactive computer based training and testing system.

Kouba discloses an instructor giving basic training, then the computer program giving site specific training & certification. Kouba is tailored to the needs of manufacturing plants and contract employees. In contrast, the instant invention is drawn to sites building-specific emergency response plans. Additionally, Kouba relies upon testing sites such as community colleges. The instant invention is directed to training at a place of employment. Finally, Kouba is directed to basic OSHA courses, while the instant invention is specifically drawn to site-specific emergency procedures per the particular building's state/city codes.

For the reasons set forth above, Applicant submit that claims 1-27 as amended, recite patentable subject matter and that newly amended claims 1-27 have been sufficiently differentiated from Kouba, thus withdrawal of this rejection is respectfully requested.

In light of the foregoing, Applicant therefore believes claims 1-28 are in condition for allowance, and respectfully requests such allowance.

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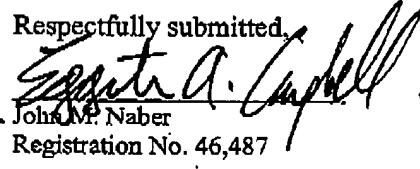
CONCLUSION

Examiner noted that the prior art of record was considered pertinent to Applicants' disclosure. Applicants have reviewed the prior art of record and submit it does not adversely bear on the patentability of the pending claims.

In light of the foregoing, Applicants respectfully submit they have addressed each and every item presented by the Examiner in this Office Action. Favorable reconsideration of all of the claims as amended is earnestly solicited. Applicants submit that the present application, with the foregoing claim and specification amendments and accompanying remarks, is in a condition for allowance and respectfully request such allowance.

In the event any further matters requiring attention are noted by Examiner or in the event that prosecution of this application can otherwise be advanced thereby, a telephone call to Applicants' undersigned representative at the number shown below is invited.

Respectfully submitted,


John M. Naber
Registration No. 46,487

51,307

DICKINSON WRIGHT PLLC
1901 L St., N.W.
Suite 800
Washington, D.C. 20036
Telephone: 202/659-6946
Facsimile: 202/659-1559
Date: February 6, 2006

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